

ADMINISTRATIVE MEMORANDUM - HUMAN SERVICES - #1-95

January 23, 1995

TO: District Administrators
Division Administrators

PLEASE SHARE WITH APPROPRIATE STAFF

FROM: Mary Dean Harvey, Director
Nebraska Department of Social Services

RE: Placement in Foster Care

It has come to my attention, through a Department review of state statute and Department policy and licensing regulations, that the issue of sexual orientation in foster parenting is not addressed. It has also come to my attention that the issue of preference for placement related to the marital status of individuals in households who provide foster care is not addressed. It is clear, however, in statute and policy that this state's direction and intent is for the placement of children in the most family-like setting when out-of-home care is necessary.

It is my decision that effective immediately, it is the policy of the Department of Social Services that children will not be placed in the homes of persons who identify themselves as homosexuals. This policy also applies to the area of foster home licensure in that, effective immediately, no foster home license shall be issued to persons who identify themselves as homosexuals.

It is also my decision that, effective immediately, it is the policy of the Department of Social Services that children will not be placed where unrelated, unmarried adults reside together. This policy also applies to the area of foster home licensure in that, effective immediately, no foster home license shall be issued to unrelated, unmarried adults residing together.

I have directed staff of the Human Services Division to immediately begin the process of drafting proposed program and licensing regulation in this area that can be brought before public hearing in a more formal manner as soon as possible.

It is my expectation that all staff will comply with the immediate direction provided. Any questions regarding my direction should be addressed to me.

CC501OA

ADDENDUM: ADMINISTRATIVE MEMORANDUM - HUMAN SERVICES - #1-95

March 8, 1995

TO: District Administrators
Division Administrators

PLEASE SHARE WITH APPROPRIATE STAFF

FROM: Christine M. Hanus, Administrator
Human Services Division

RE: Placement in Foster Care

Department staff have requested clarification of Administrative Memorandum #1-95 regarding the placement of children in foster homes and licensing of foster home applicants. This Addendum to the Administrative Memorandum will address the questions that have been raised:

DOES THE POLICY AFFECT CURRENT PLACEMENTS OR FUTURE FOSTER CARE PLACEMENTS?

The policy is "effective immediately" and is not intended to affect any foster placements of children prior to the date of the Administrative Memorandum.

If child(ren) are currently in foster care placement with an individual who is licensed at this time but unable to be re-licensed due to the policy, District Administrators may approve the continuation of the placement on a case-by-case basis.

ARE RELATIVE FOSTER HOMES INCLUDED IN THE POLICY?

It is current Department policy to encourage placement with relatives. Situations in which a relative placement is considered and the relative is known to the agency as being homosexual or is unmarried and living with another adult should be assessed by the worker on a case-by-case basis.

DOES THE POLICY AFFECT ADOPTIVE PLACEMENTS?

The policy affects future foster-adoptive placements. Current adoptive placements with individuals who are known by the agency to be homosexual or who are unmarried and living with another adult, should be assessed by the worker on a case-by-case basis prior to finalization of the adoption.

SHOULD DEPARTMENT STAFF SPECIFICALLY ASK INDIVIDUALS ABOUT THEIR SEXUAL ORIENTATION OR CONFIRM THE STATED MARITAL STATUS?

At this time, Department staff are not directed to ask any specific questions about an individual's sexual orientation or marital status than is currently asked in the licensing application, home study, etc.

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If an individual provides information during the licensing or placement process that indicates sexual preference or marital status, this information should be noted in the case file or licensing file and the current policy will be applied.

More formal policy regarding foster care placements and licensing is being drafted and a formal public hearing process will occur. The level of written documentation will be considered in the preparation of policy for public hearing.

DOES THE POLICY REQUIRE THAT NO PLACEMENT BE MADE OR LICENSE ISSUED IN A HOME IN WHICH UNRELATED ADULTS RESIDE REGARDLESS OF THE RELATIONSHIP BETWEEN THE APPLICANT AND THE OTHER ADULT(S)?

When an individual lives alone, other adults may reside in the household only under the following conditions: the individual is related to the applicant or licensee by blood or adoption; the individual is a previous foster child of the applicant or licensee; the applicant or licensee has legal guardianship of the individual; or the applicant or licensee is responsible for providing physical care to and supervision of the individual whose placement is supervised by a developmental disability agency.

ARE ANY EXCEPTIONS TO BE MADE TO THE POLICY BASED ON RELIGION, RACE, OR CULTURE?

The policy applies to all foster home applicants who are not related to the child(ren) being considered for placement. In the case of Native American children, however, the Indian Child Welfare Act placement preferences will be followed.

DOES THE POLICY APPLY TO SITUATIONS OF MARRIED FOSTER PARENTS WHO ALSO HAVE AN UNRELATED ADULT LIVING WITH THEM?

The policy is not intended to apply to situations in which the foster parents are married.

WILL THIS POLICY ALSO BE IN FORCE IN REGARD TO GROUP HOME AND CHILD CARING AGENCY STAFF?

The policy only applies to foster home placement and licensure.

If there are additional questions regarding the policy, please contact me.

PU:HH5067H